

REMARKS

The Office Action dated November 18, 2004 has been received and carefully considered. In this response, claims 1, 2, 7-9, 17, 25, 37, 39, 41, 43, 47 and 52 have been amended and claims 5, 6, 29 and 30 have been canceled. Support for the amendments may be found in the specification and drawings as originally filed. Reconsideration of the outstanding objections and rejections in the present application is respectfully requested based on the following remarks.

Objection to Claim 39

At page 2 of the Office Action, claim 39 was objected to as being a duplicate of claim 20. Claim 39 has been amended to depend from claim 35, whereas claim 20 depends from claim 11. Withdrawal of this objection is respectfully requested.

Rejection of Claims 52-56

At page 2 of the Office Action, claims 52-56 were rejected under 35 U.S.C. § 112, second paragraph, as having insufficient antecedent basis for the limitation of “the PES packets” at line 6 of claim 52. The Applicant has amended claim 52 to recite “the transport packets,” which has antecedent support at line 3. Accordingly, withdrawal of this rejection is respectfully requested.

Obviousness Rejection of Claims 1, 5-7, 25, 29-31 and 47

At page 3 of the Office Action, claims 1, 5-7, 25, 29-31 and 47 were rejected under 35 U.S.C. § 103(a) as being obvious in view of Har-Chen (U.S. Patent No. 6,429,902). This rejection is respectfully traversed with amendment.

Claim 1, from which claim 7 depends, has been amended to recite, in part, the limitations of when the synchronization state is in a second state, making a first playback adjustment to the audio data, wherein the first playback adjustment *includes performing a sample rate conversion of one or more audio data samples of the audio data*. Claim 25, from which claim 30 depends, and claim 47 have been amended to recite similar limitations. These limitations were originally presented in claims 5, 6, 29 and 30 (now canceled) and, being previously presented, these amendments should not require any additional search on the part of the Examiner. With respect to the limitations of claims 6 and 30, the Examiner asserts that “Har-Chen discloses performing a

duplicating or eliminating of audio samples in order to achieve synchronization (col. 5, lines 33-36). A sample rate conversion is effectively achieved when an audio sample is duplicated or amended.” *Office Action*, p. 3. The Applicant respectfully disagrees. Har-Chen discloses “changing the number of data elements” (col. 3, line 49) by simply adding or dropping data elements. In contrast, sample rate conversion, as understood from the context of the present application and as understood by one of ordinary skill in the art, typically involves filtering and/or some form of interpolation that results in a smoothing of the resulting upsampled or downsampled output. Thus, sample rate conversion is a decidedly more complex operation than simply dropping or adding data elements and therefore is not “essentially achieved” simply by dropping or adding data elements as disclosed by Har-Chen. Accordingly, it is respectfully submitted that the Office Action fails to establish that Har-Chen discloses or suggests the limitations of sample rate conversion of audio data samples as recited in claims 1, 25 and 47 or that such limitations would be obvious in view of the teachings of Har-Chen. The Office Action therefore fails to establish that Har-Chen discloses or suggests each and every limitation of claims 1, 25 and 47, as well as each and every limitation of claims 7 and 29-31 at least by virtue of their dependency from one of claims 1 and 25. Moreover, these claims recite additional limitations neither disclosed nor suggested by the cited references.

In view of the forgoing, it is respectfully submitted that the obviousness rejection of claims 1, 5-7, 25, 29-31 and 47 is improper at this time and withdrawal of this rejection therefore is respectfully requested.

Obviousness Rejection of Claims 2-4, 8-24, 26-28, 32-46, and 48-51

At page 4 of the Office Action, claims 2-4, 26-28 and 48 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Har-Chen in view of Nuber (U.S. Patent No. 5,703,877) and claims 8-24, 32-46 and 49-51 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Har-Chen in view of Maturi (U.S. Patent No. 5,960,006). These rejections are respectfully traversed with amendment.

Claims 2-4 and 8-24 depend from claim 1, claims 32-46 depend from claim 25, and claims 48-51 depend from claim 47. As noted above, claims 1, 25 and 47 have been amended to recite the limitations of wherein the first playback adjustment *includes performing a sample rate conversion of one or more audio data samples of the audio data*. As noted above, Har-Chen

does not disclose or suggest the limitations of performing a sample rate conversion of one or more audio data samples. The Office Action does not assert that either of Nuber or Maturi disclose or suggest these limitations. Accordingly, it is respectfully submitted that the Office Action fails to establish that the proposed combinations of Har-Chen, Nuber and Maturi disclose or suggest each and every limitation of claims 1, 25 and 47, and therefore fails to establish that the proposed combinations of Har-Chen, Nuber and Maturi disclose or suggest each and every limitation of claims 2-4, 8-24, 26-28, 32-46, and 48-51 at least by virtue of their dependency from one of claims 1, 25 or 47.

Moreover, these claims recite additional limitations neither disclosed nor suggested by the cited references. For example, claims 10 and 34 recite the additional limitations of comparing a PTS value to an STC value. With respect to claim 10, the Examiner asserts that “Har-Chen discloses comparing a program clock reference (PCR)” to a local time counter (LTC)” and that “Maturi discloses comparing a PTS value to a system clock time in deciding whether to skip or repeat a data unit (see Abstract),” and therefore “it would have been obvious . . . to compare a PTS value to the LTC of Har-Chen instead of the PCR value.” *Office Action*, p. 5. It is respectfully submitted that a PCR value represents a sampled value of the transmitting device’s local system clock and accordingly is used to synchronize the receiving devices local system clock, whereas a PTS value represents a time at which the associated audio data should be provided for output. Thus, PCR values and PTS values are not equivalent or analogous, and the modification of the teachings of Har-Chen so as to compare a PTS value to the LTC rather than a PCR value to the LTC finds no support in the teachings of Har-Chen or Maturi.

Accordingly, it is respectfully submitted that the obviousness rejections of claims 2-4, 8-24, 26-28, 32-46, and 48-51 are improper at this time and withdrawal of these rejections therefore is respectfully requested.

Obviousness Rejection of Claims 52-56

At page 7 of the Office Action, claims 52-56 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Maturi in view of Har-Chen. This rejection is respectfully traversed with amendment.

Claim 52, from which claims 53-56 depend, has been amended to recite, in part, the limitations of when the PTS value is within a predefined value of a system time clock,

performing a sample rate conversion of audio samples related to transport packets. As noted above, Har-Chen fails to disclose or suggest the limitations of a sample rate conversion of audio samples and the Office Action does not assert that Maturi discloses these limitations. Accordingly, it is respectfully submitted that the Office Action fails to establish that the proposed combination of Maturi and Har-Chen discloses or suggests each and every limitation of claim 52, as well as each and every limitation of claims 53-56 at least by virtue of their dependency from claim 52. Moreover, these claims recite additional limitations neither disclosed nor suggested by the cited references.

Accordingly, it is respectfully submitted that the obviousness rejection of claims 52-56 is improper at this time and withdrawal of this rejection therefore is respectfully requested.

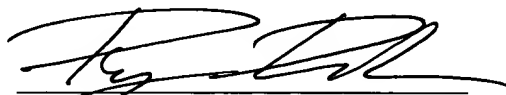
Conclusion

The Applicant respectfully submits that the present application is in condition for allowance, and an early indication of the same is courteously solicited. The Examiner is respectfully requested to contact the undersigned by telephone at the below listed telephone number in order to expedite resolution of any issues and to expedite passage of the present application to issue, if any comments, questions, or suggestions arise in connection with the present application.

The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number 50-0441.

Respectfully submitted,

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Date



Ryan S. Davidson, Reg. No. 51,596
On Behalf Of
J. Gustav Larson, Reg. No. 39,263,
Attorney for Applicant
TOLER, LARSON & ABEL, L.L.P.
5000 Plaza On The Lake, Suite 265
Austin, Texas 78746
(512) 327-5515 (phone) (512) 327-5452 (fax)